

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1266 OF 2022

Bharat s/o. Ganpat Dharade

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.K.N.Shermale, Advocate for applicant

Mr.A.V.Deshmukh, APP for respondent

CORAM : R.G. AVACHAT, J.

DATE : AUGUST 29, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0017 of 2021 registered with Akole Police Station, Dist.Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. Initially, the First Information Report (FIR) has been lodged by the mother of the victim, alleging the applicant to have outraged modesty of her daughter. The victim's statement was also recorded within two days of registration of crime, wherein, she did not allege the applicant to have committed sexual assault. A month thereafter, the informant gave a supplementary statement, alleging the applicant to have had sexually exploited her daughter.

4. On investigation, charge sheet has been filed. It will necessarily take time for commencement and conclusion of the trial. The offence punishable under Section 354 of Indian Penal Code was converted into Section 376 of Indian Penal Code, a month after registration of the FIR. This fact leads this Court to grant bail to the applicant.

5. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0017 of 2021 registered with Akole Police Station, Dist.Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP